

REMARKS

FIG.'s 11-13 have been amended to include the designation number 501 depicting the front of the anchor bar, and the designation number 502 depicting the back of the anchor bar. This element of the bar is readily apparent from the originally filed FIG.'s 11-13, and no new matter has been added.

Paragraph 0045 on page 8 has been amended to indicate that designation numeral 501 depicts the front of the anchor bar and that designation number 502 depicts the back of the anchor bar. These elements of the concrete anchor are readily apparent from the originally filed FIG.'s 11-13 and therefore no new matter has been added.

Claims 1-7, 9-19, 21 and 29-31 are currently pending. Claims 1 and 13 have been amended to indicate that the bar has a front and a back side and that the projection has "a forwardly projecting front face that extends away in a frontward direction from the front side of the bar, and a rearwardly projecting rear face that extends away in a rearward direction from the back side of the bar. Support for this amendment is readily apparent from the originally filed FIG.;2 11-13 and page 9, paragraph 0047. Claims 12 and 21 have been amended to indicate that the weight of the anchor is reduced by at least 30% "from the weight of the anchor without the passthrough aperture." Support for this amendment is found on page 2, paragraph 006. Claim 29 has been added and is drawn to a concrete anchor comprising a bar having a projection, wherein the projection has an extending side face that has a width greater than the first and second sides of the bar. Support for this claim can be found in FIG. 13, and on page 8, paragraph 0045. Claim 30 has been added and is drawn to a concrete anchor comprising a bar having a projection, wherein the bar has a slanted downwardly projecting side face that projects downward at an angle from the top of the bar to an extending side face of the projection. Support for this claim can be found in FIG. 12 and 13 and on page 6, paragraph 0036. Claim 31 has been added and is drawn to a concrete anchor comprising a bar having a projection, the projection being positioned adjacent a shear plate aperture of the bar. Support for this claim can be found in FIG. 12 and 13, and on page 9, paragraph 0049. Applicant submits that no new matter has been added.

Claims 1-7, 9-19, 21 stand variously rejected. Claims 12 and 21 stand rejected under 35 USC § 112, second paragraph as being indefinite. Claims 1-7, 9-11 and 14-19 stand rejected under 35 USC § 102(b) as being anticipated by European Patent Application No. 0568934 A2 of Zambelli (hereinafter "Zambelli"). Claims 12 and 21 stand rejected under 35 USC §103(a) over Zambelli. Applicant respectfully traverses these rejections for at least the following reasons.

Rejections under 35 USC § 112

Claims 12 and 21 stand rejected under 35 USC § 112, second paragraph as being indefinite. The Office Action states the ratio "30%" is not defined by the claim. Applicant has amended claims 12 and 21 to indicate that the weight of the anchor is reduced by at least 30% "from the weight of the anchor without the passthrough aperture." Applicant submits that claims 12 and 21 as amended are in compliance with 35 USC § 112, second paragraph, and respectfully requests that the Examiner withdraw the rejections to the claims based on this ground.

Rejections under 35 USC § 102(b)

Claims 1-7, 9-11 and 14-19 stand rejected under 35 USC § 102(b) as being anticipated by Zambelli. The Manual of Patent Examining Procedure "MPEP" states that, in order to anticipate a claim, a reference must teach every element of the claim:

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)." See MPEP § 2131

Applicants submit that the Zambelli reference fails to disclose each and every element of claims 1-7, 9-11 and 14-19 as amended.

Claim 1 as amended, upon which claims 2-6 and 9-11 depend directly or indirectly, and claim 13 as amended, on which claims 14-19 depend directly or indirectly, contain the limitations of:

“[a] bar having a top, a bottom, a front side, a back side, a first side, and a second side, at least one attachment aperture, at least one reinforcement bar aperture, at least one passthrough aperture, and a wedged shaped foot positioned adjacent the bottom of the rectangular shaped bar; and

“a projection positioned adjacent the second side of the bar, the projection comprising an upwardly projecting top face, a downwardly projecting bottom face, a forwardly projecting front face that extends away in a frontward direction from the front side of the bar, and a rearwardly projecting rear face that extends away in a rearward direction from the back side of the bar.” See claims 1 and 13, emphasis added.

Claim 1 and 13 as amended contains the limitation of a bar having a projection that has “a forwardly projecting front face that extends away in a frontward direction from the front side of the bar, and a rearwardly projecting rear face that extends away in a rearward direction from the back side of the bar.” The Zambelli reference fails to teach or suggest such an element. The section of the Zambelli anchor that the Examiner indicates represents the projection section does not contain any forward or rearward faces that extend away from the plane of the front and back faces of the bar. In the presently claimed anchors, the forwardly projecting front face and rearwardly projecting rear face of the projection section extend outward and away from the plane of the front and back sides of the anchor respectively.

As the Zambelli reference fails to disclose all of the elements of claims 1 and 13 (and therefore all of the elements of claims 2-7, 9-11 and 14-19) the reference fails to anticipate the claims. Applicant, therefore, respectfully requests that the Examiner withdraw the rejections to the claims based on this ground.

Rejections under 103(a)

Claims 12 and 21 stand rejected under 35 USC § 103(a) as being unpatentable over Zambelli. The MPEP states that:

“To establish a *prima facie* case of obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). “All words in a claim must be considered in judging the patentability of that claim against the prior art.” *In re Wilson*, 424 F.2d 1382, 165 USPQ 494, 496 (CCPA 1970).” See MPEP § 2141.03

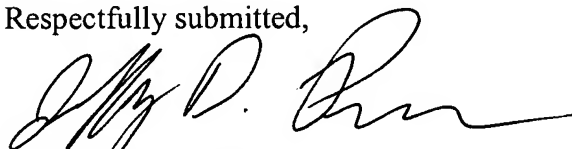
Applicants respectfully submit that the Office Action has failed to put forth a *prima facie* case of obviousness, as the Zambelli reference fails to teach or suggest all of the limitations of claims 12 and 21.

Claim 12 depends from claim 1, and therefore contains all of the limitations of claim 1 as amended. Likewise, claim 21 depends from claim 13 and contains all of the limitations of claim 13 as amended. As explained above, claims 1 and 13 have been amended to contain the limitation of "a forwardly projecting front face that extends away in a frontward direction from the front side of the bar, and a rearwardly projecting rear face that extends away in a rearward direction from the back side of the bar." As the Zambelli reference fails to teach or suggest such a limitation, the reference does not provide a *prima facie* case of obviousness with respect to claims 12 and 21. Applicant, therefore, respectfully requests that the Examiner withdraw the rejections to the claims based on this ground.

SUMMARY

Based on the foregoing, Applicants respectfully submit that the present application is in condition for allowance, and a favorable action thereon is respectfully requested. Should the Examiner feel that any other point requires consideration or that the form of the claims can be improved, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



Jeffrey D. Peterson
Reg. No. 49,038

Docket No.: 092301-9011
Michael Best & Friedrich LLP
One South Pinckney Street
P. O. Box 1806
Madison, WI 53701-1806
608.257.3501
Q:\client\092301\9011\B0646773.1

Changes to the Drawings

FIG.'s 11-13 have been amended to include the designation number 501 depicting the front of the anchor bar, and the designation number 502 depicting the back of the anchor bar.